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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**WASHINGTON C. MONTANO,**

Plaintiff,

v.

**CESAR L. SINNACO, M.D.,**

Defendant.

No. 4:04-cv-00543-CW

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR DISMISSAL WITH  
PREJUDICE**

IT IS HEREBY STIPULATED by and between Plaintiff Washington C. Montano ("Montano") and Defendant Cesar L. Sinnaco, M.D. ("Sinnaco") that a settlement has been reached in the above-captioned action and that the terms of that settlement are embodied in a separately-executed Settlement and Release Agreement. Pursuant to the settlement, the parties stipulate, and request that the Court order, that this action be dismissed with prejudice and the Court retain jurisdiction to enforce the settlement agreement as provided in the following order. Except as provided in the Settlement and Release Agreement, each party is to bear its own litigation and attorneys' fees, costs and expenses, including but not limited to those related to experts and consultants; except that any party or their counsel may seek reimbursement for their fees, costs, and expenses from the Federal Prisoner Pro Bono Project and/or the State of California's Transcript Reimbursement Fund, if applicable.

DATED: April \_\_, 2012

By: 

Plaintiff Washington C. Montano

*August 22,*  
DATED: April \_\_, 2012

OFFICE OF THE ATTORNEY GENERAL

By: 

Jeff R. Vincent

Deputy Attorney General

Attorneys for Defendant Cesar L. Sinnaco, M.D.


### ORDER

In light of the foregoing stipulation of the parties, and good cause appearing therefore, IT IS HEREBY ORDERED THAT:

1. The above-captioned case is dismissed with prejudice.
2. The terms of the Settlement and Release Agreement are hereby incorporated into this Stipulation and Order for Dismissal With Prejudice, and the Court shall retain jurisdiction to enforce the terms of the Settlement and Release Agreement.

1           3. Except as provided in the Settlement and Release Agreement, each party is to bear its  
2 own litigation and attorneys' fees, costs and expenses, including but not limited to those related  
3 to experts and consultants; except that any party or their counsel may seek reimbursement for  
4 their fees, costs, and expenses from the Federal Prisoner Pro Bono Project and/or the State of  
5 California's Transcript Reimbursement Fund, if applicable.

6 DATED: November 29, 2012

  
Hon. Claudia Wilken  
United States District Court Judge